MGN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.5174 of 2006

Udaykumar Bhimrao Patil ..Petitioner
Vs.
The Superintendent, State
Excise Department, & Ors.. ..Respondents

Mr. A.M. Kulkarni, for the Petitioner.
Mr. R.D.Rane, Govt. Pleaer for respondent Nos. 1 to 5.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 6TH MARCH, 2007.

P.C.

. It is the case of the petitioner that Madhavnagar Grampanchayat granted N.O.C. in favour of one M/s.Deccan Wine Shop for getting the Excise License. It is pointed out that the said resolution in fact was not so passed. Based on the said resolution M/s.Deccan Wine Shop was allowed to start their business by transferring the Excise License.

2. Reply has been filed on behalf the Excise Department by one Mangesh Baburao Anuse. In the said affidavit it is pointed out that one R.N. Ilger and S.A. Kala who were running the Deccan Wine Shop and applied for transfer of the same from Sangli to Madhavnagar. By following the procedure the approval was granted for the same.

. The petitioner thereafter made a complaint that the resolution passed by the Grampanchayat, Madhavnagar dated 31st May, 2005 was not to grant permission for the wine shop at Grampanchayat, Madhavnagar. Further complaints were made. Based upon these complaints enquiry was ordered by the Collector through the Chief Executive Officer, Zilla Parishad. It is pointed out that the matter is pending.

3. A further affidavit thereafter has been filed by Mangesh Baburao Anuse in which it is set out that FIR has been filed against wrong doers involved in the matter. In the affidavit of Smt. Laxmi Amrutrao Taral, Block Development Officer, it has been set out that the village Panchayat will have to take necessary action. It is not necessary to advert to the other factors.

. Considering that the Partners of M/s.Deccan Wine Shop are not before us it will not be possible for this Court to grant any relief. However, considering what has come on record the respondent No.1 is directed to take decision pursuant to the show cause notice issued to M/s.Deccan Wine Shop and after giving an opportunity to pass appropriate orders according to law. With the above observations, petition disposed of.

(F.I.REBELLO, J)

(R.M.SAVANT,J.)